

Patent
10/714,070

REMARKS

Claims 1-13 are now pending in the application. Claims 1 and 7-9 are independent and each has been amended herein. Dependent Claims 10-13 have been added.

Claims 1-4 and 7 were rejected under 35 USC 102(e) as being anticipated by US Patent 6,416,533 (Gobin et al.); Claim 5 was rejected under 35 USC 103(a) as being unpatentable over Gobin; Claim 6 was rejected as being unpatentable over Gobin in view of US Patent 5,139,496 (Hed); and Claims 8-9 were rejected as being unpatentable over Gobin. Each of the rejections is respectfully traversed and reconsideration is requested.

Each of the independent claims, Claims 1, 7, 8 and 9, has been amended to recite a system or method for changing the temperature of a patient, in which an outlet lumen and an inlet lumen of a catheter are configured such that blood flows between the outlet lumen and the inlet lumen (see, at least, Figs. 2 and 3 of Applicant's specification as filed).

Gobin and Hed fail to teach or suggest a catheter that includes an inlet lumen to introduce a circulating working fluid and an outlet lumen to extract a circulating working fluid, the outlet lumen having a shape that *induces mixing* in blood flowing past the outlet lumen or in the working fluid, wherein the outlet lumen and the inlet lumen are configured *such that blood flows between the outlet lumen and the inlet lumen*.

In view of the above claim amendments and discussion, the outstanding 102(c) and 103(a) rejections are believed to be moot and reconsideration is requested.

Since the Applicant has fully responded to the Office Action, it is respectfully submitted that in regard to the above remarks that the pending application is patentable over the art of record and prompt review and issuance is accordingly requested. Should the Examiner be of the view that an interview would expedite consideration of this response or of the application at large, request is made that the Examiner telephone the Applicant's undersigned attorney at (908) 518-7700 in order that any outstanding issues be resolved.

Respectfully submitted,


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